

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PALOMAR MEDICAL TECHNOLOGIES, INC.  
and THE GENERAL HOSPITAL  
CORPORATION,

Plaintiffs and

v.

CUTERA, INC.,

Defendant and

Civil Action No. 05-10683 RWZ

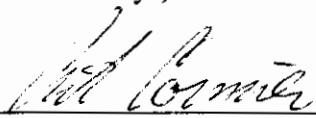
**CUTERA, INC.'S MOTION TO DISMISS PURSUANT TO  
RULES 12(B)(2) AND 12(B)(3)**

Defendant Cutera, Inc. hereby moves, pursuant to Fed. R. Civ. P. Rules 12(b)(2) and 12(b)(3), to dismiss Plaintiffs' complaint for lack of personal jurisdiction and improper venue. This Motion is based on the accompanying Memorandum of Law and Declaration of Ronald Santilli.

Dated: July 6, 2005

CUTERA, INC.

By its attorneys,

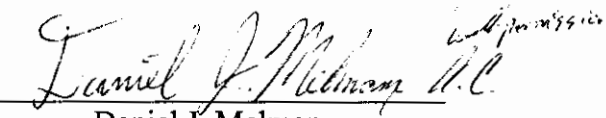
  
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**CERTIFICATE OF COMPLIANCE  
WITH LOCAL RULES 7.1(a)(2) AND 37.1(a)**

I, Daniel J. Melman, state that Kate Saxton, Esq., counsel for Plaintiffs, and I conferred by telephone on July 6, 2005, in a good faith effort to narrow or resolve the issues raised in the foregoing Motion, but were unable to do so.

Dated: July 6, 2005

  
Daniel J. Melman